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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,616	02/20/2004	Mark Sylvester	M004 100110	7221
32662 7590 03/21/2007 FELIX L. FISCHER, ATTORNEY AT LAW 1607 MISSION DRIVE SUITE 204 SOLVANG, CA 93463			EXAMINER ORTIZ, BELIX M	
			ART UNIT	PAPER NUMBER

2164

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/783,616	SYLVESTER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Belix M. Ortiz	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Remarks*

1. In response to communications files on 15-December-2006. Claims 1-29 are amended by Applicant's request. Therefore, claims 1-29 are presently pending in the application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-29 are rejected under 35 U.S.C. 102(e) (Eff. Filing date of application 2/20/2004) as being anticipated by Buyukkokten et al. (U.S. Pub. 2005/0159970) (Eff. Filing date of Provisional application: 1/21/2004).

As to claims 1 and 15, Buyukkokten et al. teaches a collaborative interaction network system (see abstract) comprising:

means for entering login data for a user (see paragraph 31);

means for inputting basic user profile data elements (see paragraphs 33 and 43);

means for receiving user characteristics data including

means for text entry of user created data elements (see figure 3 and paragraph 33);

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means for proportional selection of predetermined data elements (see paragraphs 33 and 41);

means for calculating a universe of profile and characteristics data for all users based on similarity to the profile and characteristics data of a particular user (see abstract and paragraphs 29 and 60);

means for displaying a representation of the universe of data as single points in multidimensional relation to a point representing the data of the particular user, the displaying means scalable in range from the entire universe of data to data for users in a close neighborhood of the particular user's profile and characteristic data (see paragraphs 22, 24, and 48); and,

means for expansion of a selected one of the single points for display of the profile and characteristic data of the user associated with the selected one single point ( see paragraphs 43 and 63 and claim 39).

As to claims 2 and 16, Buyukkokten et al. teaches wherein the proportional selection means comprises a slider associated with a predetermined term, the slider adjustable through a range of applicability of the predetermined term to the user (see paragraphs 11 and 24).

As to claims 3 and 17, Buyukkokten et al. teaches wherein the proportional selection means comprises a sandbox for receiving a plurality of attributes selectable by the user (see figure 3 and paragraph 43).

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As to claim 4, Buyukkokten et al. teaches wherein the sandbox further comprises a plurality of proportionality bins in which the selected attributes are placed based on relative applicability to the user (see paragraph 35).

As to claims 5 and 20, Buyukkokten et al. teaches wherein the expansion means further comprises:

means for displaying a specific comparison of the particular users profile and characteristic data and the profile and characteristic data of the user associated with the selected one single point (see figure 2 and figure 4, character 406, 410, and 414).

As to claims 6 and 21, Buyukkokten et al. teaches wherein the expansion means further comprises:

means for initiating contact with the user associated with the selected one single point (see paragraphs 17 and 22).

As to claims 7 and 22, Buyukkokten et al. teaches wherein the expansion means further comprises:

means for storing the profile information of the user associated with the selected one single point in a database specific to the particular user (see figure 1).

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As to claims 8 and 23, Buyukkokten et al. teaches wherein the single points on the displaying means further include secondary indicia of available data included for the user associated with the selected one single point (see figure 3 and paragraphs 22 and 29).

As to claims 9 and 24, Buyukkokten et al. teaches wherein the secondary indicia comprises a variable icon representing the single points (see paragraph 61).

As to claims 10 and 25, Buyukkokten et al. teaches wherein the secondary indicia comprises a variable color applied to an icon representing a single point (see paragraphs 60-61).

As to claims 11 and 26, Buyukkokten et al. teaches wherein the multidimensional relation is a radial location and distance, and the calculating means calculates a segment and distance for each point representing the data for a particular user (see abstract and paragraphs 39 and 60).

As to claims 12 and 27, Buyukkokten et al. teaches wherein the proportional selection means further includes a plurality of selectable categories of attributes, the attributes in each category further selectable by the user for placement in the sandbox (see paragraphs 33 and 35).

As to claims 13 and 28, Buyukkokten et al. teaches wherein the means for receiving user characteristic data further includes means for accepting uploaded files (see paragraph 33).

As to claims 14 and 29, Buyukkokten et al. teaches a collaborative interaction network system further comprising means for searching the universe of profile and characteristics data based on a selected one of the user created data elements, profile data elements or predetermined data elements (see paragraph 26 and 33).

As to claim 18, Buyukkokten et al. teaches wherein the step of expanding further includes the step of displaying an introductory card with representative data of the user (see figure 3).

As to claim 19, Buyukkokten et al. teaches wherein the step of providing a plurality of attributes selectable by the user for placement in a sandbox includes providing a plurality of proportionality bins in which the selected attributes are placed based on relative applicability to the user (see paragraph 35).

### ***Response to Amendment***

The Declaration filed on December 15, 2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Buyukkokten et al. (2005/0159970) reference.

The declaration does not establish actual reduction to practice prior to the critical date of the Buyukkokten et al. reference (Jan. 21, 2004).

Accordingly, the declaration is not effective in overcoming the application of the Buyukkokten reference for the following reasons:

(1) If the invention was conceived and then followed by diligence towards filing, then the evidence of diligence is insufficient. The dates establishing activities of diligence must be supplied (MPEP 715.07(II) "Establishment of Dates")

(2) Unknown whether this is conception or reduction to practice.

(3) None of the information provided regarding the alleged reduction to practice is correlated to the claims.

(4) It does not provide any source code or evidence of the development of the claimed method steps or modules. It also does not prove any successful testing or demonstrated operability of these method steps or modules. If the invention was reduced to practice prior to filing, there is no factual evidence that the source code was tested and found to run successfully.



***Conclusion***


**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on Monday-Friday 9am-5pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bmo

  
ALFORD KINDRED  
PRIMARY EXAMINER

March 14, 2007